

# IN THE MICHIGAN COURT OF APPEALS

## ORDER

Re: **People of MI v Richard Carl Thompson**

Docket No. **284581**

L.C. No. **03-007305 FC**

Christopher M. Murray, Chief Judge Pro Tem, acting under MCR 7.203(F)(1) and 7.216(A)(10), orders:

The delayed application for leave to appeal filed April 1, 2008, is DISMISSED for lack of jurisdiction because the application for leave to appeal was not filed within 12 months of the June 23, 2003 judgment of sentence as required by MCR 7.205(F)(3) and the request for appellate counsel that resulted in the order of appointment of counsel was not made within 12 months of the judgment of sentence as required by MCR 7.205(F)(4). See *People v Houlihan*, 480 Mich 1165 (2008), citing *Simons v Kapture*, 516 F3d 450 (CA6, 2008), for the proposition that *Halbert v Michigan*, 545 US 605; 125 S Ct 2582; 162 L Ed2d 552 (2005) is not retroactive.



A true copy entered and certified by Sandra Schultz Mengel, Chief Clerk, on

JUN 11 2008

Date

*Sandra Schultz Mengel*

Chief Clerk